

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0000054647	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/006646	International filing date (day/month/year) 19.06.2004	Priority date (day/month/year) 25.06.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant BASF AKTIENGESELLSCHAFT		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of 4 sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of 5 sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages 1-11 _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☒ the claims:
 - nos. _____ as originally filed/furnished
 - nos.* _____ as amended (together with any statement) under Article 19
 - nos.* 1-27 received by this Authority on 26.04.2005 with letter of 25.04.2005
 - nos.* _____ received by this Authority on _____
 - ☐ the drawings:
 - sheets _____ as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-27	YES
	Claims		NO
Inventive step (IS)	Claims	1-27	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-27	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

The present report refers to the following documents:

- D1: T. ALDERSON ET AL: "OLEFIN-TO-OLEFIN ADDITION REACTIONS" J. OF THE AMERICAN CHEMICAL SOCIETY, Vol. 87, No. 24, 20 December 1965 (1965-12-20), pages 5638-5645
- D2: US-A-5 973 197
- D3: EP-A-0 475 386.

The present application relates to a method for splitting, by distillation, a compound containing at least two functional groups selected independently of each other from the group consisting of the nitrile group, carboxylic acid group, carboxylic acid ester group and carboxylic acid amide group, from a mixture containing a compound carrying at least two functional groups selected independently of each other from the group consisting of the nitrile group, carboxylic acid group, carboxylic acid ester group and carboxylic acid amide group and a rhodium-containing compound homogeneous relative to the mixture, wherein the distillation is carried out at an average mean dwell time of 1 to 45 minutes.

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

Document D1 is the closest prior art and discloses the dimerization of methylacrylate in the presence of rhodium chloride, which is present in dissolved form (see the passages cited in the international search report), and the splitting by distillation of the desired bifunctional acid dimer from a solution containing a dissolved rhodium compound and dimethyl-2-hexene-dioate. Document D1 further discloses the hydrogenation of dimethyl-2-hexene-dioate to dimethyl adipate in the presence of a palladium catalyst. However, the feature wherein the distillation is carried out an average mean dwell time of 1 to 45 minutes is not disclosed in document D1.

The technical problem to be addressed is therefore understood to be the provision of a further method for splitting a compound having at least two functional groups from a mixture containing said compound and a rhodium-containing compound which is homogeneous relative to the mixture. The solution is disclosed in claim 1 and concerns the special distillation in question. This distillation, carried out at average mean dwell times of 1 to 45 minutes, cannot be derived by a person skilled in the art from document D1 alone or in combination with document D3.

Consequently, the subject matter of claims 1-27 satisfies the requirements of PCT Article 33(2) and (3).